

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, Docket No. 3:16CR166

5 Plaintiffs, Toledo, Ohio

6 v. March 8, 2018

7 PABLO DURAN RAMIREZ,

8 Defendant.

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10 TRANSCRIPT OF DETENTION HEARING
11 BEFORE THE HONORABLE JAMES G. CARR
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

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1 COURTROOM DEPUTY: 3:16CR166, United States of
2 America versus Pablo Duran Ramirez. Matter called for
3 detention hearing.

4 THE COURT: Counsel, will you please identify
5 yourself for the record and the folks who are with you at
6 counsel table? For the government?

7 MS. RICE: Good afternoon, Your Honor, Chelsea
8 Rice, Assistant United States Attorney. I am joined with
9 my co-counsel, Dana Mulhauser, trial attorney from
10 Department of Justice, and Special Agent Matthew Komar with
11 the FBI.

12 THE COURT: And for the defendant, Mr. Duran?

13 MR. THOMAS: Your Honor, thank you. Please The
14 Court, Dave Thomas on behalf of Mr. Pablo Duran Ramirez to
15 my left. To my far left is the certified interpreter.

16 THE COURT: And your name again, counsel?

17 MR. THOMAS: Your Honor, Dave Thomas on behalf of
18 Mr. --

19 THE COURT: Oh, Mr. Thomas. Thank you. You may
20 be seated. And Ms. Donahue has already been previously
21 sworn as interpreter. Ms. Donahue, you know what I'm going
22 to say next. Please tell your client if I speak too
23 quickly or he has any questions, for him please to say so.

24 Matter comes on for purposes of detention or
25 release pending further proceedings in this case. And on

1 behalf of the defendant?

2 MR. THOMAS: Your Honor, thank you. If it please
3 The Court, this is, we believe, a rebuttable presumption
4 case, so we are prepared to present witness testimony in
5 support of this.

6 THE COURT: Okay. Go -- you're more than
7 welcome. I apologize for being late. I came within a hair
8 breath of settling a case and people got too stubborn too
9 late, and all my persuasive efforts are -- went to not.
10 But, anyway, such is life. But that's what I was doing, I
11 was still working with them. I thought I would be done by
12 noon and I wasn't. Such is life.

13 Okay. You may proceed. And, Jordan, why don't
14 you come over here.

15 MR. THOMAS: Your Honor, we have a witness
16 outside the courtroom. May I bring him in?

17 THE COURT: Of course. I'm not going to go out
18 in the hall. Actually, before we begin, sir, you may be
19 seated if you wish.

20 COURTROOM DEPUTY: Do you want me to swear him in
21 first?

22 THE COURT: No. He can sit in the jury box if he
23 wants, whatever works for him. Why don't you refresh for
24 me and outline for the defendant, you know, the --
25 basically the bare bones narrative account of the evidence

1 as you understand it, what you think the government's
2 evidence will show if the case goes to trial. I do have
3 some recollection, of course, from having him -- I think
4 this is the same case that involved three other defendants;
5 is that correct?

6 MS. RICE: Your Honor, there were six other
7 individuals.

8 THE COURT: Pardon me?

9 MS. RICE: Six other defendants who have been
10 convicted in connection with this same --

11 THE COURT: You can remain seated. I'm having
12 real trouble hearing you. This -- The Court -- the
13 acoustics in this courtroom have been abysmal since
14 whatever -- whenever it was in 1934 when it first opened
15 its doors. We have tried numerous times, spent tens of
16 thousands of dollars on equipment, and here we are. So go
17 ahead.

18 MS. RICE: All right. Thank you, Your Honor.
19 There have been six other defendants who have pled guilty
20 in connection with this harboring and trafficking
21 conspiracy. And the defendant here today, Pablo Duran
22 Ramirez, is charged by way of separate indictment with
23 harboring and a forced labor conspiracy, and is outlined in
24 two counts. I can -- or excuse me, three counts. I can
25 speak to, in general detail, I'm not quite clear what Your

1 Honor would like the government to proceed with at this
2 time.

3 THE COURT: Why don't you just tell me, in very
4 short narrative form, what you believe your evidence, you
5 know, to a substantial degree of certainty, the evidence
6 that you expect would be admitted at trial would be likely
7 to show about his overall role in the activities involving
8 the other five defendants of whom three I recall pretty
9 well, the principle recruiter, his young female assistant
10 who, as I understood and recall from the sentencing
11 proceeding, basically acted as the overall overseer of the
12 young people who had been smuggled into this country by the
13 principle defendant. And then there was a less culpable
14 defendant who, if memory serves, and if I'm thinking of the
15 same scenario, and if I'm not say so, was the son of this
16 gentleman. And that basically the overall conspiracy
17 involved diluting families of young men, age -- ranging in
18 age I think from 14 to 20 or 21 from a small village in
19 Guatemala back in the hills and high lands somewhere,
20 diluted them. The principle person responsible diluted the
21 parents into believing that if they gave him deeds to their
22 houses to secure a fee of 3 to \$5,000, he would get them
23 into the United States, enroll them in United States
24 schools, they would get an American education. And at the
25 end of the day they would become American citizens.

1 Instead, at least some of them were placed in conditions
2 that I referred to as calling to mind, in effect, an
3 American gulag, an unheated trailer with no real sanitary
4 facilities and vermin infested, somewhere outside Marion,
5 Ohio. Some of these children were as young as 14 years
6 old. There were three of them that came to court and gave
7 victim impact statements. For that, I was apprized that
8 this defendant had not been located.

9 I also learned, preparatory to sentencing, that
10 the principal defendant had taken these deeds, also that
11 during the course of their servitude, the young men had not
12 received their paychecks for -- at least not their full and
13 complete paychecks, that the conditions in which they were
14 required to work as part of the crew, doing literally the
15 dirty work of the egg farm, were, to say the least,
16 unpleasant, pecked and scratched and so forth, as well as
17 simply working in a chicken barn or whatever you call it.
18 And that the principal person responsible, who apparently
19 was related to some of the young people whom he smuggled
20 into the United States was related to some of them.

21 But in any event, I learned about the business of
22 his having taken the deeds from their families. I made
23 very clear -- I think I sort of interrupted and continued
24 that sentencing, making very clear to him and his lawyer
25 that unless I were to receive notice at the next sentencing

1 hearing that every one of those deeds had been restored to
2 the families of the children whose circumstances he was
3 directly responsible, my only question at sentencing would
4 be how many counts, what's the maximum as to each count,
5 and can I run them consecutively. We paid his lawyer,
6 Mr. David Klucas, I think some -- I don't know how much, I
7 would imagine upward of \$10,000 or more. We also paid a
8 Guatemalan lawyer. Mr. Klucas went, at my express
9 direction, to the small village in Guatemala and undertook,
10 through the Guatemalan lawyer, who was extremely helpful,
11 to gain such assurance as we could that indeed the ring
12 leader upon release from -- I think gave him a 15-year term
13 at the end of the day -- could not profit from his vile
14 endeavors. If that's -- if that is not that case, correct
15 me -- or part of that case.

16 MS. RICE: You are speaking of the same case,
17 Your Honor.

18 THE COURT: And if I've missed anything of
19 substance in my oftentimes faulty recollection, by all
20 means correct me.

21 MS. RICE: No, you accurately recited the brief
22 history of the case. And I would only now --

23 THE COURT: If you remind me, call to mind what
24 you allege this defendant's role to have been. I believe
25 he was the actual person who negotiated with the egg farms

1 and was the crew boss. And by all means, if that's wrong,
2 say so.

3 MS. RICE: That's correct, Your Honor. This
4 defendant owned a company called Haba Corporate Services
5 that contracted directly with the egg farm to employee
6 individuals to work at various locations of the egg farms.
7 Under his direction, he had various subcontractors who he
8 spoke with about obtaining workers. And on at least six
9 occasions, he had conversations with Aroldo
10 Castillo-Serrano, the individual who was convicted of
11 trafficking.

12 THE COURT: The principal ring leader of that
13 side of it?

14 MS. RICE: Of the trafficking side, correct, Your
15 Honor.

16 THE COURT: He provided -- Serrano provided and
17 he employed, as it were, the children; is that correct?

18 MS. RICE: That's correct, Your Honor. And if we
19 were to proceed to trial, we would present evidence that
20 this individual, this defendant, had conversations in which
21 he knew that, one, these individuals would be minors that
22 would be working for him; and that, two, they would be
23 coming to the United States illegally from Guatemala.

24 In addition, there is separate evidence and
25 testimony that this defendant, Duran Ramirez, knew of the

1 illegal status of not only the minors, but other
2 individuals that worked for his company and the
3 subcontracting companies, and that he and his company
4 benefited greatly as a result of employing these illegal
5 immigrants -- not immigrants, but individuals that were
6 brought here illegally.

7 THE COURT: You say profited greatly, is your --
8 the basis for that representation grounded in evidence that
9 you have a fair reason to believe would be admissible
10 either at trial or at sentencing?

11 MS. RICE: Yes, Your Honor. That is based upon
12 various financial records that we have obtained, tax
13 records. And this would be evidence that would be
14 presented at trial and/or sentencing.

15 THE COURT: And how great was the profit that he
16 generated for himself and others, if any, approximately?
17 Be conservative.

18 MS. RICE: One moment, Your Honor, let me check.

19 THE COURT: Of course. And if you can't say now
20 that doesn't really matter, I'm just curious.

21 MS. RICE: I just don't want to give the wrong
22 figure.

23 THE COURT: Of course not.

24 MS. RICE: Your Honor, we believe the evidence
25 would set forth that his company Haba Corporate Services

1 took in just over \$6 million during a two year time period.
2 They paid its contractors just over three-and-a-half
3 million, which left his company a profit of two-and-a-half
4 million dollars during that two year time period.

5 THE COURT: You refer to company. Was it a
6 Corporation or LLC? And if so, do you know anything about
7 the members of -- the size and nature of the corporation?
8 Was it a sole proprietorship, or were there multiple
9 investors, if you know? If not, that's fine.

10 MS. RICE: Your Honor, it was a corporation for
11 profit. That was this defendant, Pablo Duran Ramirez, and
12 his brother Ezekial Duran.

13 THE COURT: Is his brother a co-defendant?

14 MS. RICE: His brother is not a co-defendant.
15 His brother is deceased.

16 THE COURT: Okay. Anything further you wish to
17 add with regard to what you represent to me as an officer
18 of The Court that you believe would be admissible evidence
19 to show at trial and perhaps at sentencing?

20 MS. RICE: The last thing I would add, Your
21 Honor, with respect to the forced labor conspiracy, which
22 is Count 1 of the indictment for this defendant, is that in
23 addition to having conversations with co-conspirators about
24 bringing in minors and individuals who were illegally in
25 the United States, we have evidence that would be presented

1 at trial that this defendant paid money to facilitate the
2 release of these minors at the border to come work for him
3 and --

4 THE COURT: Paid money on which side of the
5 border, our side?

6 MS. RICE: On the United States side of the
7 border.

8 THE COURT: Would that be paid some gratuities or
9 consideration to American law enforcement or other
10 officials, customs, border, whatever it was?

11 MS. RICE: To his other co-conspirators,
12 specifically Ana Angelica Pedro Juan.

13 THE COURT: Pardon me?

14 MS. RICE: To his co-conspirators, specifically
15 the defendant Ana Angelica Pedro Juan.

16 THE COURT: Okay. Have you undertaken to do
17 an -- what's the maximum penalty upon conviction?

18 MS. RICE: Twenty years, Your Honor.

19 THE COURT: And there are three counts. Is that
20 as to each count or --

21 MS. RICE: That is to the -- well, that is to
22 Counts 1 and 2, forced labor conspiracy and a substantive
23 forced labor offense. The third count is a harboring
24 offense, and that is a maximum term of ten years
25 imprisonment, Your Honor.

1 THE COURT: Does the amount generated from this
2 factor into the relevant conduct consideration or not, if
3 you know? If not, that's fine.

4 MS. RICE: The profits generated?

5 THE COURT: Yes.

6 MS. RICE: We certainly believe that plays into
7 the relevant conduct, but it does not affect the sentencing
8 guidelines.

9 THE COURT: It's not a specific enhancement
10 factor, the way of drug quantity or amount of the fraud or
11 whatever would be --

12 MS. RICE: No, Your Honor.

13 THE COURT: -- or the amount of loss in certain
14 circumstances. Okay. Okay. And how would you
15 characterize the weight of the evidence as you understand
16 it, and as it is believed by you -- reasonably believed by
17 you to be available to you and likely to be available at
18 trial and the likelihood of conviction, on a scale of --
19 we'll give it a try to -- we're going to play the ten to
20 the ace of spades to be a royal flush. And no lawyer ever
21 says that I know.

22 MS. RICE: Your Honor, I will say United States
23 is very confident in its evidence and its witnesses and
24 believes that we would obtain conviction on all three
25 counts against this defendant.

1 THE COURT: Do you have any idea about a criminal
2 history?

3 MS. RICE: It's our understanding he has limited
4 criminal history if any at all.

5 THE COURT: Probably a one?

6 MS. RICE: Correct, Your Honor.

7 THE COURT: Okay. Do you have an idea if he were
8 a one what the guideline range might be?

9 MS. RICE: Your Honor, based on our preliminary
10 calculations, the offense level would be a 31 before
11 acceptance, which would result in a guideline range.

12 THE COURT: Before or with --

13 MS. RICE: Without acceptance.

14 THE COURT: Okay.

15 MS. RICE: Guideline range of 108 to 135 months.

16 THE COURT: Okay. Okay. Counsel, do you wish to
17 say anything about the government's presentation with
18 regard to the nature and substantiality of the apparent
19 evidence knowing that that's all it is, it's a
20 representation? And there can be a slip between cup and
21 lip between now and trial, I understand that. Do you have
22 anything you wish to add to that? If not, that's fine.
23 You obviously have no burden to do so. You have absolute
24 right to say nothing in that regard. I just wondered if
25 there's anything you did want to add, and I offer -- and I

1 want to emphasize I do not expect it. And obviously the
2 fact that you do not has nothing to do with anything. This
3 is an opportunity if you wish. And if not, that's fine.

4 MR. THOMAS: I'd like to offer just a couple
5 comments if it please The Court.

6 THE COURT: Yeah.

7 MR. THOMAS: So we have had an initial
8 preliminary discovery meeting with the government, so that
9 process has begun, but I had not reviewed the discovery.
10 So with that caveat in mind, I would offer a couple of
11 observations with respect to the government's comments.
12 And these are relevant factors under 1342 of course.

13 The first is as to the nature and circumstances
14 of the offense. It is a conspiracy, and so the -- the
15 particular role that my client did or did not play in this
16 conspiracy is, I suspect, going to come down to some very
17 fine distinctions, and perhaps just a few conversations
18 with co-conspirators. So I think that we look forward to
19 further exploration of that. And I think perhaps that
20 under minds a little bit the weight of the evidence as it's
21 portrayed by the government. That's not to diminish the
22 seriousness of this overall case. I'm aware of the history
23 as well, Your Honor. But I would urge The Court to look at
24 that in kind of a mitigating way as it weighs the 1342
25 factors as it relates specifically to my client. So that's

1 the first 1342(g) factors. We are prepared to proceed with
2 respect to information about his history and character.

3 Would you like me to do that, Your Honor?

4 THE COURT: Sure. Go ahead.

5 MR. THOMAS: Your Honor, we call John Glessner to
6 the stand.

7 JOHN GLESSNER,
8 was herein, called as if upon examination, was first duly
9 sworn, as hereinafter certified, and said as follows:

10 THE COURT: Sir, you may be seated. You've got
11 to move up to the microphone to about this distance, and I
12 realize it's a little --

13 A. Okay.

14 THE COURT: -- awkward doing so. Tell me your
15 name, please.

16 A. John William Glessner, Jr.

17 THE COURT: And what is your community of
18 residence, what town, city, village?

19 A. Mesa, Arizona.

20 THE COURT: Are you employed?

21 A. I'm self-employed.

22 THE COURT: And what's your occupation.

23 A. In the egg business.

24 THE COURT: Pardon me?

25 A. Egg business.

1 THE COURT: Okay. And what is your understanding
2 why you're here?

3 A. Well, Pablo Duran basically directly worked for
4 me for about 20 years.

5 THE COURT: Okay. And were I to decide to
6 release him pending trial -- let me ask you this.

7 First of all, you heard what the government had
8 to say?

9 A. Yes.

10 THE COURT: And let's assume for the moment,
11 without pre-judging, but let's assume for the moment that
12 the likelihood of conviction is very substantial, and that
13 the guideline sentence is something which I have to take
14 into consideration, that he faces a sentence somewhere
15 south of ten years, ten years or some more, give or take a
16 bit. Are you aware of that?

17 A. Yes.

18 THE COURT: Okay. And being aware of that, you
19 are willing to offer him employment pending --

20 A. Yes.

21 THE COURT: -- outcome, whatever it may be?

22 A. Yes.

23 THE COURT: Good, bad or otherwise -- I'm not
24 sure there's an otherwise. And how come?

25 A. Well, like I said, he worked for me for about 20

1 years. We had a lot of different agencies, both federal
2 and state come in, and we never had any issues with Pablo.
3 I'm not aware of any prior criminal history at all, so I'd
4 like to help him out.

5 THE COURT: And where would he be working?

6 A. Alden, Iowa.

7 THE COURT: In Iowa?

8 A. Yes.

9 THE COURT: And where is that?

10 A. About the middle of the state of Iowa.

11 THE COURT: Okay. And what kind of operation do
12 you have there? What would be his capacity?

13 A. It's an Egg Land facility I took back from lease.
14 It's going to be remodeled here starting in another month.
15 We started some in the -- in the fall until weather hit,
16 and then eventually would be put back on -- online with
17 chickens and that.

18 THE COURT: Okay. And what sort of work would he
19 be doing?

20 A. He would be overseeing some of the construction
21 to start out with, and then overseeing production.

22 THE COURT: And tell me more. What does that
23 involve?

24 A. Oh, boy. Overseeing the contractors, overseeing,
25 you know, the construction, the --

1 THE COURT: Overseeing contractors, contractors
2 who do what, provide --

3 A. Construction.

4 THE COURT: Do the construction, okay. And then
5 once that phase is over and the facility's in the business
6 of producing what you want it to produce, namely eggs for
7 us, what would he be doing day in and day out?

8 A. Overseeing the egg production.

9 THE COURT: What does that involve?

10 A. The chickens, everything from feeding programs,
11 water programs, light programs.

12 THE COURT: Would he do that work himself, or
13 would there be others subordinate to him who he would
14 oversee, manage, direct and control?

15 A. Yeah, there would be supervisors underneath him.

16 THE COURT: Okay. And about how many people --
17 the activities, about how many people would he be
18 responsible?

19 A. Fifty.

20 THE COURT: Okay. What kind of experience have
21 you had with him in the 20 years he worked for you in the
22 past, in him doing the sorts of things you would expect him
23 to do now?

24 A. Excellent.

25 THE COURT: And how much would he be making per

1 hour, per week, per month?

2 A. We've got to negotiate that. I'm going to guess
3 somewhere between 2,000 a week, I'm guessing.

4 THE COURT: And to what extent would he be
5 responsible for seeing to it that the people actually doing
6 the work, whether supervisors or their subordinates, were
7 actually paid?

8 A. Well, we --

9 THE COURT: Did he have any role in that at all?

10 A. No. Office staff there at site would take care
11 of that.

12 THE COURT: Okay. So he'd be, if I characterize
13 his activities, sort of general manager?

14 A. Yes.

15 THE COURT: Like a plant manager is in -- in a
16 manufacturing facility, very rough crew?

17 A. Yes, somewhat similar.

18 THE COURT: Somewhat. Okay.

19 Counsel, free to ask further -- by all means,
20 defense counsel, and I'll -- if you have further questions
21 you want to ask him on direct, and then I'll have the
22 government ask such questions as she may want to ask.

23 DIRECT EXAMINATION

24 MR. THOMAS: Thank you, Your Honor.

25 BY MR. THOMAS:

1 Q. Mr. Glessner, The Court very thoroughly covered
2 Mr. Duran's potential employment, but I'd like to ask you
3 some questions about his residence.

4 A. Yes.

5 Q. Is he also able to secure a place of residence if
6 he comes to work for you if Judge Carr releases him?

7 A. Yes. I have an on-site house there, living
8 house.

9 Q. Okay. Is that something that's basically
10 supplied by your company for the general manager and his
11 family?

12 A. Yeah, because livestock, it's, you know, alarms
13 and everything else and weather, so he has to be on call 24
14 hours a day.

15 Q. Is that at an address 13998 140th Street in
16 Alden, Iowa; is that correct?

17 A. Yes.

18 Q. And are you familiar with Mr. Duran's family as
19 well?

20 A. Pardon me?

21 Q. Are you familiar with his family as well?

22 A. Yes.

23 Q. Is that through your history with him and his
24 employment? In other words, is that how you got to know
25 them?

1 A. Yes, and recently. I never met his two younger
2 kids until recently.

3 Q. Does Mr. Duran have family in and around the
4 Alden, Iowa area?

5 A. Yes.

6 Q. Would you characterize it as basically he has
7 strong family ties in that area because his family works in
8 the -- in and around the egg industry?

9 A. Yes. His mother, brother, that are 30-miles away
10 and also his wife and two kids and her family, or about the
11 same.

12 Q. And they all work, they all live there. Do you
13 have any concerns about any of their -- are they productive
14 members of the community in that area?

15 A. Yes.

16 MR. THOMAS: May I have a moment, Your Honor?

17 THE COURT: Of course.

18 (Mr. Thomas conferring with defendant off
19 the record.)

20 MR. THOMAS: That concludes my questions. Thank
21 you, Your Honor.

22 THE COURT: Counsel, any questions?

23 CROSS-EXAMINATION

24 BY MS. RICE:

25 Q. Thank you, Your Honor.

1 Good afternoon, Mr. Glassman.

2 A. Good afternoon.

3 Q. I'd like to know when you first began discussing
4 this employment with Mr. Duran Ramirez.

5 A. Well, I tried to get ahold of him through part of
6 his family because he was in Mexico, and then I was down
7 there twice and discussed it with him.

8 Q. Did you have a difficult time reaching him
9 through his family?

10 A. Not at all.

11 Q. Why did you travel down to Mexico to see him?

12 A. Because I was talking to one of his brothers
13 about avocados in Mexico.

14 Q. Did he discuss with you the fact that he might be
15 facing criminal charges if he came to the United States?

16 A. No, I brought it up to him.

17 Q. Was he -- did he seem to be aware of the fact
18 that he might be facing criminal charges if he came to the
19 United States?

20 A. Not at all.

21 Q. After you -- what made you think that he might be
22 facing criminal charges if he came to the United States?

23 A. I was con -- my ex-wife was contacted by a
24 reporter out of, I think it's U.C. Berkley, and then I met
25 with her. She interviewed me, and then brought up -- and

1 then she said I don't know if there's charges, I guess she
2 talked to your department or whatever. And then I talked
3 to him about it.

4 Q. Around when was this?

5 A. Good question.

6 THE COURT: Best estimate. What was the weather
7 like outside?

8 A. Early fall. I was in California early fall.

9 Q. Early fall of 2017?

10 A. Yes.

11 Q. And why did it take from early fall of 2017 to --
12 if you know, for Mr. Duran Ramirez to come back to the
13 United States?

14 A. I guess at some point he was talking to his
15 attorney about it, and trying to arrange something.

16 Q. Are you aware of whether Mr. Duran Ramirez came
17 back to the United States using an official border
18 crossing?

19 A. Yes, I'm aware, and no, I don't believe so.

20 Q. Did Mr. Duran Ramirez explain to you why he came
21 to the United States not at a regular border crossing but
22 by trying to cross impermissibly?

23 A. I talked to him prior to Christmas before -- I
24 haven't talked to him or seen him until today until prior
25 to Christmas. But what he was trying to do was get his

1 family situated in Iowa, and what -- he wanted to go there
2 for two days, and then he was going to go to Ohio and turn
3 himself in. Now, how all that worked, I don't know. I
4 know that his attorney was working, I think with you or the
5 department.

6 Q. So he told you in advance that he was intending
7 to enter the United States through an official border
8 crossing?

9 A. Not at all.

10 Q. No, he didn't tell you that before --

11 A. No.

12 Q. -- he came in?

13 A. No. All that we discussed was his preference of
14 coming to the United States was to go to Iowa for two days,
15 get his family situated, then come turn himself in in Ohio.

16 Q. Did you discuss with him whether or not to come
17 in in an official way or in an impermissible way?

18 A. Absolutely not.

19 Q. I want to ask you about a man named Jack
20 DeCoster. Are you familiar with Jack DeCoster?

21 A. Very much so.

22 Q. Who is Jack DeCoster?

23 A. He's a retired egg producer.

24 Q. Did you work for Jack DeCoster?

25 A. I was a consultant.

1 THE COURT: How do you spell that man's --

2 MS. RICE: Last name DeCoster D-E, capital

3 C-O-S-T-E-R. Did I get that right, Mr --

4 A. Yes. First name's Austin, and middle's Jack.

5 THE COURT: First name is --

6 A. Austin.

7 Q. And Mr. DeCoster runs a number of -- or owns or
8 runs a number of egg farms in Iowa; is that correct?

9 A. Used to.

10 Q. Are you aware that Mr. Duran Ramirez worked for
11 Jack DeCoster for over 20 years?

12 A. No, he didn't.

13 Q. No he did not?

14 A. No, he worked for my company.

15 Q. As somebody who worked for your company, did he
16 work at Mr. DeCoster's egg farms?

17 A. Yes.

18 Q. So are you aware that he worked at Mr. DeCoster's
19 egg farms for over 20 years?

20 A. No, it would be less than that.

21 THE COURT: He was there for awhile? What --
22 what went on -- what was the relationship between him and
23 Mr. DeCoster?

24 A. What the -- what the relationship was was this,
25 originally Pablo came I think down to Missouri. I was

1 managing some egg operations to an unrelated company, not
2 related to DeCoster. Then I brought him up to Alden, Iowa,
3 which I own. And then eventually he did work at the
4 DeCoster facilities.

5 Q. Are you aware that Mr. Duran Ramirez was working
6 for Mr. DeCoster in 2003 when Mr. DeCoster pleaded guilty
7 to the federal offense of knowingly hiring more than
8 100 illegal aliens?

9 A. I don't believe that to be true.

10 MR. THOMAS: I'm going to object to the
11 relevance.

12 THE COURT: Which part? Which part of that
13 question --

14 A. I don't believe that he knowingly agreed that he
15 hired 100 illegals.

16 Q. Okay. Were you aware that Mr. Duran Ramirez was
17 working at a Jack DeCoster's facility when Jack DeCoster
18 pleaded guilty to harboring some amount of illegal aliens
19 at that egg farm?

20 A. Yeah, I think it was one, and I pled to I think
21 two people.

22 Q. So you also pled guilty to harboring -- two
23 counts; is that right?

24 A. I'm not 100 percent sure, but it's close to that.

25 Q. Okay.

1 THE COURT: When was that?

2 A. 2000 -- the original I-News investigation had
3 started -- or ICE investigation started in 2002 in April,
4 and then I think the thing got resolved in 2005.

5 Q. When you say "got resolved," you pleaded guilty;
6 is that right?

7 A. Yeah, to a misdemeanor.

8 Q. And Mr. Duran Ramirez was working for you at the
9 time of the conduct for which you pleaded guilty; is that
10 right?

11 A. Yes.

12 Q. And Mr. Duran Ramirez was working for
13 Mr. DeCoster at the time of the conduct for which
14 Mr. DeCoster pleaded guilty?

15 A. He was working for me.

16 MR. THOMAS: I object to the relevance of
17 Mr. DeCoster's violation, Your Honor, as well as a 14 year
18 old conviction for Mr. Glessner.

19 THE COURT: Overruled. I think it goes to -- I
20 think it's an entirely appropriate consideration with
21 regard to whether to release this defendant in light of the
22 very serious felony charges with which he now stands
23 charged.

24 BY MS. RICE:

25 Q. Mr. Glessner --

1 THE COURT: And it may also be a crime of moral
2 turpitude that might be a factor in the criminal history
3 calculation. I realize it's a misdemeanor, but -- and I
4 realize it's more than ten years old, but I'll be candid
5 with you, it strikes me as a crime of moral turpitude to be
6 in a situation which you have people employed who are --
7 whom you know to be, or at least have pled guilty knowing
8 that they were here illegally. Go ahead.

9 BY MS. RICE:

10 Q. Mr. Glessner, are you aware that after
11 Mr. DeCoster pleaded guilty in 2003, that, again, in 2006
12 agents found 30 workers suspected of being illegal
13 immigrants at a farm that he operated in Iowa at which
14 Mr. Duran Ramirez was working?

15 A. I don't recall that.

16 THE COURT: And, counsel, I realize that I may be
17 confusing the evidentiary rule with the guidelines, so it
18 may be admissible at trial as a crime of moral turpitude.
19 I don't think it would play any role as a ten year old
20 conviction. I don't know about that, so I will
21 disregard --

22 MS. RICE: Your Honor, just to be clear, the
23 convictions are for Mr. Glessner and Mr. DeCoster.
24 Mr. Duran Ramirez was not convicted, he was working for
25 these men.

1 THE COURT: I'm sorry, I misunderstood. And I
2 withdraw that comment and will disregard it entirely.

3 MR. THOMAS: Thank you, your Honor.

4 THE COURT: But I think it is relevant that he
5 was employed at a facility, the owners or operators of
6 which were engaged in that kind of activity.

7 MS. RICE: Your Honor, at the same time --

8 BY MS. RICE:

9 Q. I will not go through each of these, but are you
10 aware that again in 2007 the same thing occurred at a farm
11 that Mr. DeCoster was operating where Mr. Duran Ramirez was
12 working?

13 A. I don't recall that.

14 THE COURT: Do you know what capacity in -- what
15 Mr. Duran's capacity was during the period just alluded to
16 during which he was working with or working for
17 Mr. DeCoster?

18 A. I don't believe so specifically, no.

19 THE COURT: Okay. Counsel --

20 A. Again, he was working for me, not for DeCoster,
21 but he was at DeCoster sites.

22 THE COURT: He was at DeCoster sites?

23 A. Owned sites.

24 THE COURT: Pardon?

25 A. He was at DeCoster-owned sites.

1 THE COURT: And what was he doing there for you?

2 A. It would either be processing or production
3 management.

4 THE COURT: Similar to work that he would be
5 doing for you in Alden?

6 A. Yes.

7 THE COURT: Having -- and in a capacity as a
8 person in that situation routinely have daily contact with
9 the people who are working under him and whose activities
10 he is overseeing?

11 A. Yeah, he would have no hiring or firing
12 responsibilities.

13 BY MS. RICE:

14 Q. Just one more question. Are you aware that four
15 subcontractors working for Mr. Duran Ramirez have already
16 pleaded guilty in cases related this matter for harboring
17 illegal immigrants?

18 A. I'm not sure on the number, three or four, but,
19 yeah, whatever -- I'm aware of the general circumstances.

20 Q. And knowing that Mr. Duran Ramirez supervised
21 four people who have pleaded guilty to alien harboring, you
22 still feel comfortable hiring Mr. Duran Ramirez for a very
23 similar role in your company?

24 A. It's a different role. It's not the same role.

25 Q. So at first it's construction, but then at some

1 point it turns into management; is that right?

2 A. No, he hired -- he did -- he did bird services,
3 the way I understand Ohio, and had subcontractors doing the
4 work that would not be the similar to what his
5 responsibilities would be in Alden, Iowa.

6 Q. Once your egg farms are up and running, will he
7 be responsible -- or would he be responsible for hiring
8 subcontractors?

9 A. No.

10 Q. Would he be responsible for supervising
11 subcontractors?

12 A. Yes.

13 MS. RICE: Nothing further, Your Honor.

14 THE COURT: Counsel? There's one thing you
15 testified that wasn't too clear.

16 Was it your testimony that when you encountered
17 Mr. Duran in Mexico -- first of all, where was that?

18 A. Guadalajara.

19 THE COURT: And how far is that from the American
20 border?

21 A. I don't know, it's probably two-and-a-half hour
22 flight from Phoenix.

23 THE COURT: Okay. I don't know myself.

24 Was it -- did I hear your testimony correctly
25 that it came as news to Mr. Duran that he was under

1 indictment in this case --

2 A. Yes.

3 THE COURT: -- or that he was charged with
4 crimes?

5 A. Yes, because he had been in communication with
6 his attorney. His attorney never said anything, or his
7 attorney had never been contacted so he was not aware of
8 it.

9 THE COURT: And who are his family members, and
10 what's their relationship in Iowa, and to your knowledge
11 family members, and what's their relationship to him and
12 the family members in Iowa?

13 A. Mother, brother, brother's family in Clarion,
14 Iowa, about 30 miles from the Alden facility. And then I
15 believe three other kids, son, two daughters, and then --
16 that are older, and then his current wife, and I believe a
17 two year old, four year old that are near the Hampton, Iowa
18 area.

19 THE COURT: And I realize that borders perhaps
20 inappropriately, but I do not mean it in an unfair fashion
21 at all, but is it fair to say that Mexican families are
22 known as for families -- part of my own ethnic background,
23 Irish for being fairly close knit?

24 A. Yes.

25 THE COURT: And is it my -- is my recollection

1 correct, counsel, that one of the co-defendants in this
2 case, who has pled and whom I sentenced, was one of
3 Mr. Duran's sons, or am I totally mistaken on that?

4 MS. RICE: You're correct, Your Honor.

5 THE COURT: Okay. Sir, you may continue. Or I
6 guess it's -- I don't know whether you call it redirect or
7 whatever, but the ball has bounced back into your court.

8 MR. THOMAS: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. THOMAS:

11 Q. Mr. Glessner, did Mr. Duran have anything to do
12 with your prior criminal case or Mr. DeCoster's prior
13 criminal case?

14 A. No.

15 Q. Second, let me clarify a time line, and I'll ask
16 you some questions about that for the benefit of The
17 Court's consideration.

18 When you were talking about Mr. Duran's
19 awareness, or lack of it from your perspective of a
20 warrant, was that in 2015?

21 A. No.

22 Q. Okay.

23 A. '17.

24 Q. 2017. But of course you did eventually become
25 aware of it; isn't that right?

1 A. Yes.

2 Q. So did Mr. Duran, right?

3 A. Yes.

4 Q. It was clarified sometime in 2017, or confirmed
5 sometime in 2017. Would that be accurate?

6 A. Yes.

7 MR. THOMAS: That's all I have. Thank you, Your
8 Honor.

9 THE COURT: Okay. And -- and the basis for your
10 understanding that he was unaware of the pendency of these
11 charges against him, your understanding of his unawareness
12 comes from him, or some other source?

13 A. Well, I don't know. I mean, I found out from a
14 reporter in California that said there might be charges
15 against him, but the government won't confirm them. So
16 when I went down there and I met with his brother, and then
17 later we met that day with Pablo, then I said, you know,
18 are you aware of something going on in Iowa with this.

19 THE COURT: Or Ohio?

20 A. Excuse me? Pardon me?

21 THE COURT: I've tried to persuade my New York
22 born and bred wife that there's a difference between Ohio
23 and Iowa. I'm not sure she's understood that from 50 years
24 of marriage, but that's neither here nor there. But go
25 ahead.

1 A. So eventually he got ahold of his attorney or
2 whatever, and I can't remember how, you know, everything
3 that happened after that.

4 THE COURT: Okay. But basically the source of
5 his unawareness of the pendency of these charges since
6 2015, is that -- what's the date of the indictment?

7 MS. RICE: Your Honor, it was returned in 2016,
8 May of --

9 A. '16?

10 MS. RICE: Correct, Your Honor.

11 THE COURT: And the proceedings, the sentencings
12 occurred when?

13 MS. RICE: They occurred in the -- in April and
14 June of 2016.

15 THE COURT: The indictment was returned when?

16 MS. RICE: This -- the indictment against this
17 individual was returned in May of 2016. The indictment
18 against the other individuals, is that what you're
19 inquiring about?

20 THE COURT: Yes, the one --

21 MS. RICE: That was in 2015, Your Honor.

22 THE COURT: And he was not a part of that
23 indictment?

24 MS. RICE: No, Your Honor.

25 THE COURT: Okay.

1 MS. RICE: He was referred to by initials in that
2 indictment, and his company was named in that indictment.

3 THE COURT: But his name was mentioned in that --
4 in the course of those proceedings if memory serves?

5 MS. RICE: Correct, Your Honor.

6 THE COURT: And his son was one of those who pled
7 guilty, was convicted and sentenced?

8 MS. RICE: Correct, Your Honor.

9 THE COURT: And the sentencing occurred again?
10 Tell me --

11 MS. RICE: The sentencing for that defendant, for
12 his son was in --

13 THE COURT: For that defendant.

14 MS. RICE: Was in April of 2016.

15 THE COURT: And this indictment was returned?

16 MS. RICE: May 2016.

17 THE COURT: And a warrant was issued?

18 MS. RICE: In May of 2016.

19 THE COURT: And by then the son had been
20 designated and was at some institution?

21 MS. RICE: Correct, Your Honor.

22 THE COURT: So the son, in all likelihood --
23 well, we don't know. There's no reason to believe that the
24 son, in fact, was aware that his father had been indicted?

25 MS. RICE: As to the specific indictment being

1 returned?

2 THE COURT: Yeah.

3 MS. RICE: No.

4 THE COURT: Okay. Are you able to represent --
5 is very -- whether the government has any reason to believe
6 that this defendant or members of his -- including the
7 convicted son -- were aware of the return of this
8 indictment? Just put a hold on that, and if it does, then
9 you can raise that at the appropriate time. And if not,
10 that's fine too. Okay. No further questions?

11 MR. THOMAS: No, Your Honor. Thank you.

12 THE COURT: Sir, you're free to go.

13 A. Thank you, Your Honor.

14 THE COURT: You're welcome to stay. It is up to
15 you. When is your flight?

16 A. 8:00.

17 THE COURT: We will be done before 6:00, which
18 we -- or 5:00 which gives you time to get to the airport.
19 So, counsel, go ahead.

20 MR. THOMAS: That's all the evidence on behalf of
21 Mr. Duran, Your Honor.

22 THE COURT: Okay. I gather that the proposal
23 would be to release him to the custody of relatives subject
24 to electronic monitoring, duty to report to submit to
25 supervision under the -- whether Southern or Northern

1 District of Iowa, whichever it would happen to be, and to
2 submit to whatever other conditions pretrial might consider
3 appropriate?

4 MR. THOMAS: Yes, Your Honor, just consider --
5 just one other fact I'd like to proffer based on the
6 discussions and the questions The Court had for
7 Mr. Glessner.

8 I will proffer, I will represent that I reached
9 out to the government in the summer of 2017, I think in
10 June. And that's -- discussions began, and that's when
11 things kind of solidified, so --

12 THE COURT: June of?

13 MR. THOMAS: 2017, last summer, Your Honor.

14 So that's when this counsel kind of resumed his
15 work in this matter. So I just wanted to offer that as the
16 pin, in some ways, that The Court was referring to. But
17 that's all the additional information I had. You're
18 correct on the conditions we propose.

19 THE COURT: Okay. And do you have anything
20 further to offer in that regard before I hear from the
21 government? And I'll let you finish up.

22 MR. THOMAS: No, Your Honor. Thank you.

23 THE COURT: Counsel?

24 MS. RICE: Thank you, Your Honor. I'd like to
25 start out by reiterating, as Mr. Thomas did, that this is a

1 rebuttable presumption of detention because --

2 THE COURT: I have to be clearly -- the standard
3 is clear and convincingly -- convinced that -- I have to be
4 clearly convinced that there are no -- no conditions
5 reasonably sufficient to ensure his appearance at trial?

6 MS. RICE: Correct, Your Honor.

7 THE COURT: And danger to the community?

8 MS. RICE: Correct, Your Honor.

9 So with that being said, the government submits
10 that there -- defendant has not overcome the presumption of
11 detention in this case.

12 THE COURT: Why not?

13 MS. RICE: With respect to flight, as Mr. Thomas
14 indicated, we spoke in the summer of 2017. And while the
15 indictment against Mr. Duran Ramirez was under seal, I did
16 confirm that there is a warrant pending for his client's
17 arrest, and if his client did not -- that I would impute
18 knowledge to his client of that warrant, and that was
19 understood.

20 THE COURT: Via counsel?

21 MS. RICE: Correct, Your Honor. There were
22 additional conversations throughout the summer and early
23 fall attempting to negotiate Mr. Duran Ramirez to turn
24 himself in. The United States offered for him to turn
25 himself in at the U.S. Embassy in Mexico. We never heard a

1 response to that, and, instead, this defendant crossed the
2 border through a river, not at a border crossing.

3 THE COURT: Is it illegal for me if I want to,
4 let's say, go to Canada to -- instead of going over the
5 Ambassador Bridge between Detroit and Windsor to, you know,
6 get in a boat and go over to Point Pelee and wander forth
7 from there? I assume there's no port of entry at Point
8 Pelee, or some other place where there's no ordinary port
9 of entries. Is it the American law that even American
10 citizens returning from abroad, in order to enter legally
11 must do so through a port of entry, or does that apply only
12 to foreign-born aliens, if you know?

13 MS. RICE: I don't know the answer to that, Your
14 Honor. I'm not implying that this --

15 THE COURT: But I assume --

16 MS. RICE: This entry was --

17 THE COURT: I assume that you would argue, and
18 I'll hear Mr. Thomas in response, that there is some degree
19 of adverse inference that I can draw that he didn't show up
20 in an ordinary point of entry as an American citizen?

21 MS. RICE: That's correct, Your Honor.

22 THE COURT: He might have encountered a warrant
23 or background check and been apprehended there.

24 MS. RICE: Correct, Your Honor. And I've
25 submitted to The Court and provided to --

1 THE COURT: That's a valid consideration for me
2 to take in evaluating the risk of flight.

3 MS. RICE: Correct, Your Honor. I've submitted
4 what's marked as Government's Exhibit 1, which is the
5 summary of this defendant's statement at the time of his
6 arrest at the border.

7 THE COURT: I can't read print. I've got macular
8 degeneration. I can read screens.

9 First of all, Mr. Thomas, have you seen and
10 reviewed this with your client?

11 MR. THOMAS: Yes, I have.

12 THE COURT: You've been able to do so in Spanish
13 with Ms. Donahue or yourself?

14 MR. THOMAS: It was reviewed at the last hearing,
15 Your Honor.

16 THE COURT: Pardon?

17 MR. THOMAS: We reviewed it with him at the last
18 hearing.

19 THE COURT: At the initial appearance before
20 Judge Knepp?

21 MR. THOMAS: Yes.

22 THE COURT: Okay. Counsel, if you may be -- I
23 have a vision condition, I can't -- print is extremely
24 difficult, especially single space, doesn't help if big
25 type, it's just -- the iPad screen is no problem. But go

1 ahead just summarize for me.

2 MS. RICE: Sure, Your Honor. It's actually just
3 one sentence that I'd like to highlight for The Court.
4 This is by Border Patrol Agent Hernandez who wrote I asked
5 him, referring to this defendant, why he had not gone to
6 the port of entry, and he, this defendant, stated that
7 because he knew of an arrest warrant that he had and did
8 not want to risk getting caught at the port of entry,
9 which, in fact, as we now have confirmed here today, this
10 defendant did have an arrest warrant which he knew of since
11 the summer.

12 THE COURT: That would -- that's direct proof
13 that he knew. And when was that that he -- that was after
14 the interview with the gentleman that just testified?

15 MS. RICE: Correct. That was December 24th of
16 '17, Your Honor.

17 THE COURT: When was the interview with the
18 gentleman that just testified?

19 MS. RICE: He said -- I believe he said the fall
20 of '17, Your Honor.

21 THE COURT: Okay. And that was after issuance of
22 the warrant?

23 MS. RICE: After the issuance of the warrant and
24 after conversations with Mr. Thomas.

25 THE COURT: And those conversations began

1 sometime in June did you say?

2 MS. RICE: Summer of 2017, approximately June.

3 THE COURT: June, July, August, but before
4 September?

5 MS. RICE: Correct. I would also add, with
6 respect to risk of flight, there is information the
7 government received from family members that at the time of
8 the raid of the trailer park, which was December of --

9 THE COURT: Outskirts of Marion?

10 MS. RICE: Correct, Your Honor. December of 2014
11 and then into early 2015, this defendant told his son that
12 he should flee to Mexico to avoid charges. And shortly
13 thereafter, based on what we learned, is when this
14 defendant went to Mexico.

15 THE COURT: Shortly after --

16 MS. RICE: After that conversation with his
17 son --

18 THE COURT: Conversation --

19 MS. RICE: -- and that he --

20 THE COURT: Go ahead. When did that occur? You
21 may have told me and I missed it.

22 MS. RICE: No, to the best of our knowledge,
23 early 2015.

24 THE COURT: Okay.

25 MS. RICE: So with respect --

1 THE COURT: Again, was that prior to the actual
2 filing of the indictment, do you know?

3 MS. RICE: That was. So that was --

4 THE COURT: Roughly, again, these are -- at some
5 pointed time lines get a little fuzzy. I've got it.

6 MS. RICE: So with respect to risk of flight,
7 Your Honor, the government submits that this defendant has
8 not overcome his burden by clear and convincing evidence,
9 and there are no conditions that can assure his appearance.

10 THE COURT: Okay.

11 MS. RICE: With respect to danger to the
12 community, Your Honor, the government has grave concerns if
13 he is released to the fact that he would be working in an
14 environment very similar to the one where he is facing
15 these charges.

16 THE COURT: Well, I would doubt that the
17 gentleman who just testified would be responsible for
18 conditions similar to which at least some of these 14 year
19 old and older children were exposed. I can't imagine
20 that --

21 MS. RICE: Let me clarify. By conditions I mean
22 circumstances where he would oversee contractors.

23 THE COURT: The kind of what work that he would
24 be overseeing?

25 MS. RICE: Correct.

1 THE COURT: Basically the care, et cetera, et
2 cetera, for the chickens?

3 MS. RICE: Yes.

4 THE COURT: Working in the chicken barns and
5 elsewhere?

6 MS. RICE: Correct, Your Honor. And so for all
7 of those reasons, we ask that this defendant remain
8 detained pending resolution of that matter.

9 THE COURT: Okay. Counsel?

10 MR. THOMAS: Your Honor, thank you. I'll take
11 things kind of out of legal order to respond to the
12 government's comments if that's okay.

13 THE COURT: Pardon me?

14 MR. THOMAS: I'll take things out of the legal
15 order in order to respond to comments?

16 THE COURT: That's fine.

17 MR. THOMAS: In terms of danger to the community,
18 Mr. Duran is simply not --

19 THE COURT: Candidly I tend to agree. All other
20 things being equal or -- there not being any concern of
21 flight, I would not detain him or consider detaining him on
22 the rather hypothetical risk of, you know, danger to the
23 community. I think the issue here is one of risk of
24 flight.

25 MR. THOMAS: Then I'll move on from that, Your

1 Honor. And that is -- I would submit that were it not --

2 THE COURT: Let's put it this way: Candidly I
3 don't know whether technically somebody else other than I
4 looking at it could say that, no, Judge, you can't reach
5 that degree with clear and convincing, but I'm willing to
6 say I'm not worried about that.

7 MR. THOMAS: Thank you, Your Honor.

8 THE COURT: Whatever the standard is, I'm not
9 worried about it.

10 MR. THOMAS: Okay. Then I will confine my
11 comments to risk of flight. And I would submit that were
12 it not for the circumstances of Mr. Duran's arrest, he
13 would otherwise be a very good candidate for release, and
14 we would have overcome the presumption. He's a citizen.
15 He has no record. He has strong family ties in Iowa. All
16 the factors support that, in fact, he's not a risk of
17 flight. There's just no reason to believe he is. And the
18 time line of the investigation is relevant as well. He may
19 or may not have become aware of the investigation in early
20 2015, but at that time there was nothing unlawful about his
21 travel or his decision to leave the United States. We
22 agree that in 2017 he became aware of a warrant for his
23 arrest. We're not disputing that. And he was -- he was
24 apprehended crossing the border. But that's consistent
25 with the evidence that we offered through Mr. Glessner's

1 testimony, which is that he was wrong headedly perhaps, but
2 he was apprehended returning to the country. He identified
3 himself. There's no evidence that he tried to pass himself
4 off as another person. He acknowledged that there was a
5 warrant for his arrest. And, in fact, the circumstances of
6 his arrest are consistent with what Mr. Glessner said,
7 which is that, you know, he wrongly, but in some ways
8 understandably, wanted to take care of his family affairs
9 and was headed in the direction of Ohio. So the only real
10 distinguishing characteristic is that he was arrested by
11 the border patrol at the Rio Grande River. And I would
12 submit balancing that against the very compelling evidence
13 of where he can live, where he can work, and his own
14 personal characteristic and history, I would submit that we
15 have overcome the presumption and that release on the
16 proposed conditions would be appropriate. Thank you.

17 THE COURT: I disagree. I think there's a
18 crucial piece of evidence that, through oversight, I
19 presume you did not comment on. And that was the
20 conversation with his son. That was when, as far as both
21 of them were concerned, there was an apparent or potential
22 risk of prosecution. Apparently raid had occurred, but
23 there's neither complaint nor indictment returned at that
24 moment. And even though at that point the potential
25 prosecution could be apprehended, but was not a fact and

1 nonetheless not only did he go to Mexico, but he urged his
2 son to do likewise. And that's certainly so -- is to me an
3 impulse at least to avoid prosecution. The fact that he
4 has returned, I'm not quite as willing to credit the -- it
5 was just kind of a mistake that he foolishly sought with
6 knowing that there was a warrant and foolishly sought to
7 evade apprehension through that legal process seems to me
8 to be somebody who's willing to say here I am, come get me,
9 would have walked up through the border through ordinary
10 border crossing and say here I am, you're going to find I
11 have an arrest warrant, take me into custody, and I -- I am
12 returning voluntarily in order to answer to those charges.
13 And this destination, by all accounts, and everyone agrees,
14 is acknowledged a destination that was return to his family
15 in Iowa, and as far as we can tell, based on this record,
16 coming the next 400 or 500 miles to Toledo, Ohio, was not,
17 in my view -- so surely and certainly in the cards that I
18 can really trust that, particularly when he is resident in
19 Iowa, living with a number of family members, none of whom
20 is here, none of whom has undertaken to say they would be
21 third-party custodians, the backgrounds of whom I have no
22 knowledge. So I'm willing, for the purposes of this
23 decision today, to say none of them has any criminal record
24 or involvement, and that he simply has no ties to this
25 community, and this community is where this prosecution's

1 occurring. He has nothing to do but go any further than
2 reading the transcript of my remarks at sentencing to gain
3 an impression how this judge feels about persons convicted,
4 at least of the kind of activity that Mr. Serrano and the
5 young woman were responsible directly for -- directly for
6 subjecting these children to the conditions in which they
7 were forced, I believe truly against their wills. Three of
8 them spoke, gave victim impact testimony. That testimony
9 was compelling, and brought clearly to mind, to my mind at
10 least in a rather graphic way, the true nature that
11 motivated those persons responsible, I understand as he was
12 not, but directly responsible for diluting the parents,
13 diluting the children, smuggling a large group of people
14 across the border. Apparently, according to the
15 government, involved some kind of pay off to somebody
16 successfully, and that's not easy to do, getting those
17 children to Northwest Ohio, perhaps elsewhere, and then
18 most -- both Mr. Serrano and the woman, who at the time was
19 I think 19 or 20, at the time of trial was 21, I think was
20 21, they were directly familiar and responsible for the
21 conditions in which those conditions were held. But at
22 this point I presume that Mr. Duran may not have been aware
23 of the conditions, I'm willing to give him, in addition to
24 the presumption of innocence, I think that the likelihood
25 of conviction is fairly substantial. But I realize also,

1 if I recall the role attributed to Mr. Duran in the course
2 of the sentencing proceedings, because none of these cases
3 proceeded to trial, but it was -- I suppose could be
4 described as a facilitator -- facilitator or enabler. He
5 was the one who made whatever arrangements were made with
6 the egg farms as I understand it. If I'm -- I'm trying to
7 say his culpability may have been in a lesser role.
8 Certainly I attributed the greatest degree of evil intent,
9 which is what it was in several levels and ways, to
10 Mr. Serrano and to the young woman. But in any event, he's
11 looking, if convicted, as I think there's a fair
12 likelihood, you never know, okay -- like everything else in
13 life, the cards when you pick them up they look a lot
14 different as the game gets played. You may think you've
15 got a winning hand, but by the time it's over you toss the
16 cards in and case is dismissed and off you go. He is
17 presumed to be innocent. But in this case, as hardly ever,
18 I find that clearly and convincingly there's simply no
19 conditions of release that have been -- that have been
20 offered to me here today that are sufficient to persuade me
21 that the risk of flight isn't so substantial that it cannot
22 be overcome with those conditions -- proposed conditions.

23 I should also note it is of concern to me that he
24 has family in Mexico as well as in this country. So if he
25 were to wake up one morning and decide to take off, there's

1 nobody presently before me who said that -- who says -- can
2 say to me, Judge, I will ring the alarm bell, I will let
3 you know. And he can be in Mexico before anybody might
4 even have any idea, even with the electronic monitoring.
5 And once there, he would have -- he would not be like so
6 many people -- I'm going to Las Cruces in a week, I'm going
7 to sentence 120 people. I've sentenced three people here
8 this week on immigration offenses. So many people who are
9 as American as you or I, they were brought over as young
10 children, everybody else became a citizen, they got some
11 kind of trouble. They speak better English than Spanish.
12 They don't know anybody in Mexico, they don't know
13 anybody -- I don't know anybody in Mexico. That's not his
14 case. That's not something that weighs in his favor
15 because he has, in fact, family ties in Mexico. And were
16 he able to depart Iowa, and were he able to avoid
17 apprehension and able to get back to Mexico, none of which
18 are beyond the realm of possibility, not probability but
19 possibility, he could successfully evade prosecution, just
20 as I think he undertook to do when he first apprehended the
21 prosecution with the potentiality. For whatever reason he
22 chose to come back. I'm not willing, at this point, to
23 credit that desire, at least not exclusively, to show up
24 some day in Ohio. I realize he was working with you. He
25 was not subject to your direct and immediate control. I

1 have no doubt whatsoever you, as a competent attorney --
2 and I don't think we've met before, but certainly your
3 reputation as a capable and competent attorney preceded
4 you. I look forward to working with you, and I have no
5 doubt that you were encouraging him to come promptly, face
6 the charges, plead not guilty, and if he so chose, to go to
7 trial. I really don't think so. I mean, if I did, trust
8 me, I'd let him go. My default is release. But in this
9 case, I think I must abide by the presumption. And I'll be
10 very candid with you, presumption cases, I'll be honest, I
11 rarely pay real attention to it. I just have to know --
12 and rarely is -- is appearance.

13 I mean, I had the third person in 38 years fail
14 to appear. One was a book maker who fled to Mexico, pulled
15 the gun in a saloon down there. Their federality (sic)
16 called ours and said he'll be at the Brownsville Bridge.

17 Second was abortion clinic bomber, charged with
18 it. If I released her to -- her husband said this nonsense
19 ends here today. That's why I thought she would show up.
20 She betrayed not only my trust but her husband's trust.
21 She was caught at 4:00 in the morning coming down the front
22 steps of a rooming house in New Jersey. Somehow the ATF
23 happened to be driving down the block at 4:00 in the
24 morning and caught her before she made it around the corner
25 to the abortion clinic. Obviously they knew where she was.

1 And last one was some guy who could never -- he
2 went down to Alabama on his own. Jordan, is that your
3 case? Jordan comes in and says -- I can't remember his
4 name. He's gone to Alabama. I said, Jordan, what should
5 we do? He didn't have permission. He didn't let Jordan
6 know. Well, he wants to be with his family. He knows
7 pretty much that was it, wasn't it? And I said, okay, how
8 many Judges would do that, the shrug of the shoulders. The
9 guy goes to Alabama. Well, marshals finally found him with
10 his girlfriend in Chicago. That's the third person I've
11 ever had run, and I rarely encounter -- except with
12 foreign-born nationalists, natives or people who don't have
13 an American citizenship or whatever. I'm rarely concerned
14 with risk of flight.

15 How often in your career have you seen, no matter
16 what a judge said or magistrate judge, somebody who had the
17 wherewithal, or the real ability to flee, and whom, you
18 know -- and I know what every good lawyer does with
19 everybody in this court, they say you've got a break
20 getting out. You heard The Judge, do well, six months,
21 nine months, 18 months, however long it takes. You come
22 back and Judge Carr is going to take that into
23 consideration. Don't do well, Judge Carr, who hates the
24 guidelines, he's going to take that into consideration.
25 Once in a while I have been heard to say how high is up. I

1 vary a lot, rarely in that direction, but every once in
2 awhile -- I have no point going up.

3 My whole point is risk of flight is a very rare
4 risk even when the government -- let me say I had a
5 terrorism case. Government, at the outset, made clear for
6 all five defendants wanted life imprisonment. One
7 terrorism case, I had two defendants who were from Chicago,
8 knew Toledo barely at all. I had a million dollars of gas
9 and convenience stations in Chicago property bonds. I
10 figured they would be safer coming back here than going
11 anywhere else.

12 Same -- I had two, a married couple who, with
13 FBI -- they must have sent a million dollars of FBI money
14 to Hezbollah. They were holding the money in the rocket
15 panels of the Jeep when the FBI decided to come get its
16 money back. I let them both out even though one was not
17 native born. They have three children here. And I took a
18 million dollars of very nice property in the Toledo area,
19 and they went back to Lebanon to be in the Pegon (phonetic)
20 Valley, and they knew they were a lot safer being here
21 facing the charges and the prison term they got here rather
22 than fleeing the Pegon Valley where aunts, uncles,
23 brothers, sisters, moms, dads were still there, than
24 stiffing friends and neighbors here in Toledo, which I
25 would have taken.

1 My whole point is, I rarely find a risk of flight
2 sufficient that I cannot run the risk of letting them out.
3 But I think the risk of flight here is very substantial,
4 and I do not think that the conditions that have been
5 proposed are sufficient to overcome it. He's very
6 fortunate that he has that gentleman who's known him, knew
7 of these charges, come work for me, you've done a good job
8 for me for 20 years. And Mr. DeCoster, regardless of the
9 trouble he's been in, he's willing to vouch for him and say
10 I'll give him a job, I'll pay him \$100,000 a year -- help
11 to pay you. In any event, he's got family there, but,
12 nonetheless, the multiplicity of factors persuade me that
13 there are no conditions sufficient -- excuse me, sufficient
14 reasonably to assure his appearance.

15 If you wish to appeal my decision, by all means
16 you all can do so. I hope -- and think I've said
17 everything that I would say in a written order. If you
18 want me to prepare a written order, let me know, but I
19 think I've made my views clear. Okay?

20 MR. THOMAS: Understood.

21 THE COURT: Anything further, counsel for
22 government?

23 MS. RICE: Not on behalf of the United States,
24 Your Honor. Thank you.

25 THE COURT: Okay. Let's -- has there been

1 arraignment yet? Was he arraigned?

2 MR. THOMAS: Yes, Your Honor.

3 THE COURT: Okay. Why don't we set a time table,
4 okay, while you're here. Take five minutes. I know the
5 record's open file are a no no, dirty phrase, but in this
6 division, historically since I became magistrate and urged
7 the government and good friend of mine who's in the AUSA --
8 two good friends of mine were the AUSAs, and I said, as a
9 law professor with the usually willy-headed thoughts that
10 the law professors have, Pat, do you do open file
11 discovery. I said, Pat, why not. The well-informed
12 defense attorney's your best friend, even though in the
13 eastern division I understand they do things differently.

14 So let me ask counsel, is it the government's
15 expectation that regardless of what you call it, that it
16 will follow the customary practice in this division of
17 basically making the defense attorney, and through his
18 attorney, the defendant, aware of all or substantially all
19 of what is known to the government?

20 MS. RICE: It is our intention, Your Honor,
21 subject to protecting the identity of the victims.

22 THE COURT: Absolutely. Of course. Is
23 April 13th enough time for a motion filing deadline? I
24 mean, you probably have a pretty large -- have you gotten
25 all the discovery yet, or is it still --

1 MS. RICE: Your Honor, we met last week.

2 MR. THOMAS: Two weeks ago.

3 MS. RICE: Two weeks ago, to provide a preview of
4 Jencks --

5 THE COURT: Okay.

6 MS. RICE: -- and outlined the categories of
7 evidence. The actual physical documents should be sent to
8 defense next week.

9 THE COURT: How -- how extensive are they?

10 MS. RICE: Well, there's significant amount of
11 financial records that are voluminous.

12 THE COURT: You fill in the blank, okay. I know
13 that you don't want your client in custody longer awaiting
14 the outcome of this case, whatever it may be, but I think
15 April 13th is kind of -- my view is, counsel, you tell me
16 what is a comfortable time within which you can acquaint
17 yourself with the evidence, determine whether there is
18 anything in there, or otherwise in conversation with your
19 client, whether there's anything either to challenge the
20 indictment or to seek to suppress one thing or another.
21 I'll be candid, it would seem to me in this case, there's
22 no other statement following arrest except for one item
23 we've already heard that I don't think it would be an
24 admissible. That's my own thought. I don't see anything
25 in that that would be admissible, so you don't have any

1 post-arrest statements. There was nothing searched and
2 seized from him, or was there --

3 MS. RICE: There were searches.

4 THE COURT: And he might have financial records
5 standing challenge?

6 MS. RICE: Searches of the trailers, but nothing
7 related to this individual defendant.

8 THE COURT: Okay. So there's probably no Fourth
9 Amendment -- I'm just speculating, but --

10 MR. THOMAS: Judge --

11 THE COURT: Whatever time you want to -- counsel,
12 you fill in the blank. April 13th seems to me a pretty
13 brisk date, but if that's what, that's fine.

14 MR. THOMAS: Based on the evidence as I
15 understand it today, I can comply with the April 13th
16 deadline. If that changes, I would -- I can submit a
17 motion or otherwise bring it to The Court's attention.

18 THE COURT: Okay. Well, if the case goes to
19 trial, how long will it take to try?

20 MS. RICE: I would -- the government would
21 anticipate approximately two weeks for its case.

22 THE COURT: Okay. Why don't we do this, why
23 don't we have a status conference maybe the first Monday in
24 May. If there are any motions, it's not necessary for the
25 government to respond to them until we have that

1 conference. But as I say, I doubt whether there will be,
2 but you never know.

3 Mr. Thomas, you're probably not aware, I'm no
4 longer resident in Toledo. I come back a week a month to
5 do the things I need to do, like this.

6 MR. THOMAS: Understood.

7 THE COURT: And probably, if there's going to be
8 a two-week trial, I would probably have it transferred to
9 Judge Helmick or Judge Zouhary for trial. Obviously if it
10 were to result in resolution without trial, I would retain
11 it. But at that time -- let's make it mid May. And this
12 is not to say that I have an expectation or -- and it is
13 not to diminish in any way the defendant's presumption of
14 innocence for -- or any other Judge try the case were the
15 case to proceed too trial. But I would like to give you
16 enough time, and if that's not enough time, say so, and it
17 may not be, to familiarize yourself fully and thoroughly
18 with the evidence -- perhaps to acquaint yourself with
19 whatever else the evidence, you know, whatever else is
20 there, in addition sort of the -- the bigger picture, and
21 to at least give some thought between you and your client
22 whether to proceed to trial or not. I don't expect that
23 you will.

24 This case was indicted differently. I didn't
25 realize it for some reason. I just had the sense that it

1 had been -- that this was not a new indictment, but there
2 was a leftover from the other one. Not that it matters.
3 And so how much time do you think you need, aside from
4 motions which are probably pretty unlikely, really kind of
5 vary fully to penetrate the evidence, information evidence,
6 talk to the prosecutor, perhaps retain an expert? And let
7 me say, Mr. Thomas, I presume that you are presently
8 retained. However, if the funds readily available to you
9 and your client become exhausted, I would probably want you
10 to submit, under seal, an affidavit of indigency if that
11 were to be the fact. I think it would be appropriate to
12 put it under seal because of the government's allegations
13 about the earnings generated. But my whole point is if you
14 run out of money and need to hire an expert to pay
15 yourself, feel free to apply.

16 MR. THOMAS: Understood.

17 THE COURT: I don't consider that to be my money.
18 I consider it to be the defendant's money in terms of -- I
19 really do enable him to enjoy the kind of defense I'm sure
20 you'll give him. But you may need to get experts, I would
21 think, to look at the financial records.

22 MR. THOMAS: Judge --

23 THE COURT: It's up to you. I'm glad to give you
24 as much time -- and I do think that, I would assume as a
25 capable defense attorney, at some point you'd want to sit

1 down and go over that stuff. May take several visits from
2 Columbus -- I think you're in Columbus, right?

3 MR. THOMAS: Yes, sir.

4 THE COURT: He'll be at either CCNO, which is an
5 hour-and-a-half from here, okay. So basically come up 23
6 and take a left, more or less, to get out somewhere in
7 Northwest Ohio out there. So I can imagine -- there is
8 video hook up, and you might -- I don't know if the hook up
9 runs from the Southern District up here. I know it's
10 from -- public defender has a hook up.

11 MR. THOMAS: It does, Your Honor.

12 THE COURT: Okay. Is there one in the Southern
13 District as well?

14 MR. THOMAS: Yes, sir.

15 THE COURT: Good. Great. Terrific. That makes
16 things a bit easier.

17 MR. THOMAS: Judge, if I can just offer a comment
18 on the time for defense preparation if now is the
19 appropriate --

20 THE COURT: Absolutely. It's your case. You
21 tell me what you need.

22 MR. THOMAS: Well, it's their case, but I
23 appreciate that very much, Judge. The documents are kind
24 of one thing. Where we see substantial defense preparation
25 really being required is actually going to be in

1 investigation.

2 THE COURT: Sure.

3 MR. THOMAS: We're anticipating a lot of
4 co-conspirator testimony which would require a lot of
5 defense investigation to those co-conspirators and other
6 individuals. Specifically we anticipate some of the
7 victims that the government referred to. Those individuals
8 are probably scattered all over the country.

9 THE COURT: My understanding, counsel, and I
10 don't think I'm breaching any confidence, I don't know
11 whether they -- several have been -- several, she can
12 probably tell you, have been placed successfully with
13 American foster parents, and they may be anywhere in the
14 country.

15 MR. THOMAS: Right.

16 THE COURT: I don't know. I do know that a
17 number of them, I believe -- counsel, you can correct me
18 because I don't want to -- I don't want you or certainly
19 your client to draw any adverse inferences about my mind
20 set about this case if I misstate something, okay --

21 MR. THOMAS: Thank you, Your Honor.

22 THE COURT: -- but, you know, with old timers
23 disease and creeping decrepitude advancing as though both
24 are in the case, though it was striking, in many respects,
25 that maybe things that I simply don't remember correctly.

1 But I do think some of the victims expressed some
2 substantial concern for their welfare and their families,
3 some may have gone back to Guatemala to the small village,
4 I don't know. I think the government can at least, to the
5 extent it's willing to do so, can obviously -- I don't
6 think it knows the whereabouts of somebody who's readily
7 available in the United States. Obviously I think would
8 not be appropriate or permissible for the government to
9 conceal their place of location and keep them from you. I
10 don't know. That's up to it. But anyway, I would
11 certainly hope not. I understand what you're saying.

12 MR. THOMAS: If we had to try the case, I would
13 think it would take the defense at least six months to
14 prepare.

15 THE COURT: Okay.

16 MR. THOMAS: Again, I'm kind of --

17 THE COURT: When would you like, June? You tell
18 me when I feel the pulse of the case and see what you're up
19 to.

20 MR. THOMAS: Your Honor, I think a June status
21 would be appropriate. And if circumstances were to change,
22 the government has been very accommodating in
23 communication. If the circumstances change, we can call
24 that to The Court's attention.

25 THE COURT: We have a spectacular splendid United

1 States Attorney. Don't tell President Trump or
2 Mr. Sessions what I'm about to say, Angela. Angela, do you
3 understand? Seriously, I was over for a Judge's meeting
4 when we heard that Justin Herdman had been designated,
5 universally the four or five of us were there, along with
6 Ava -- Ava Dustin is the one that told us, I think she can
7 tell you jubilation on part of the judges in this district
8 upon hearing that Justin Herdman had been appointed was
9 universal and constrained. Our concern was that somebody
10 would find out about it. He's first rate. He is not -- he
11 is a zealous, effective and fair advocate for the United
12 States Government. He was in a couple -- at least the big
13 Amawi case, terrorism case, and he's a thoroughly decent
14 human being. And I think if -- I think he's an Ed Sargus
15 type. I'm not sure that Ed was the same sort of U.S.
16 Attorney as he is Judge.

17 MR. THOMAS: Yes, sir.

18 THE COURT: And I told Justin when I called him
19 to congratulate him, I'd like to see him on the 20th floor
20 some day at our meeting, but who knows. I think you'll
21 find that certainly is the way we do business over here,
22 extend every professional courtesy, go out of our way to
23 work in an entirely professional manner. There may be
24 things that the government feels, whether in the interest
25 of protecting any of the children or otherwise that it

1 can't share with you, can and share in a redacted form. If
2 you have some problems in that regard, you really find
3 yourself -- you think something in good faith is being
4 withheld because it will not be withheld in bad faith. I
5 can assure you, unless my experience with these lawyers
6 is -- would be an entire indication of the contrary.

7 So let's do that, maybe June, maybe the second
8 Monday in June? Deanna. Let's leave that a little bit --
9 I don't know when I'm coming back in June. We've been
10 talking about June 11th, right?

11 COURTROOM DEPUTY: Yes.

12 THE COURT: What about that Tuesday? I mean,
13 June 11th's pretty full, I assume, right?

14 MS. RICE: Your Honor, if we could set it either
15 the 5th or the 19th, I'll be out of town that week of June,
16 the week of June 11.

17 THE COURT: Are you citing Rule 1 of the
18 unwritten rules of practice as grounds for a continuance?

19 MS. RICE: I don't know Rule 1, but it sounds
20 like yes.

21 THE COURT: A vacation is always a good reason
22 for a continuance.

23 MS. RICE: Yes, Your Honor, Rule 1.

24 THE COURT: When you get an order that says
25 whatever continued to whatever due to conflict in Judge's

1 schedule, I'm going to play with my grandchildren. Let's
2 make it the 19th, Deanna. I know I'll be -- Mr. Thomas,
3 unless you want to travel to Arcadia, Michigan to attend
4 that conference in person, you're welcome to do so by
5 phone.

6 MR. THOMAS: Oh, I am? Great. Thank you, Your
7 Honor.

8 THE COURT: The 19th.

9 MR. THOMAS: The 19th is great then.

10 THE COURT: Let's say 9:00.

11 MR. THOMAS: June 19th, 9:00.

12 THE COURT: We'll just take the pulse, maybe
13 let's see a week before. You'll be gone a week before.
14 Maybe ten days before. Before you take off give me a
15 status report with an agenda, time tables, things we need
16 to talk about, problems you might have.

17 Mr. Thomas, if at any time funds become an issue,
18 as they may, do not hesitate to apply -- I will raise an
19 eyebrow about the monies that the government alleges were
20 obtained, whatever information you disclose will be under
21 seal, and whatever it is one way or the other, it will not
22 affect my judgment.

23 MR. THOMAS: Thank you, Your Honor.

24 THE COURT: If I try the case, and candidly goes
25 to trial, I think it's fairly unlikely, what I will do is I

1 will remain with the case, adjudicate whatever pretrial
2 motions and so forth, get you up to the point where
3 there'll be a deadline for motions in limine and deadline
4 for proposed preliminary jury instructions and jury
5 questionnaire. It's my habit -- I think it's at least
6 Judge Helmick's, probably Judge Zouhary's, he's very
7 attentive to jurors and their needs, I think all three of
8 us probably -- at least I know I do, I give a preliminary
9 charge, just introduce the jurors to what their duties are
10 and to the elements of the offense so that they know
11 they've got a road map. The jurors love that quite
12 candidly. You then would be at least entitled, in front of
13 me, and she would be entitled to say, ladies and gentlemen,
14 The Judge has told you that among the things we must prove
15 is X, prove X. Ladies and gentlemen, we're going to be --
16 we're going to be calling Special Agent so and so and so
17 and so and Ms. So and so. So okay.

18 But let's wait -- we'll wait until the 19th of
19 June and we'll talk. If anything comes up in the meantime,
20 let me know. Okay. And once again, if by then you think
21 that maybe yet another span of time is useful to you before
22 you really get in a position to know, A, what direction
23 you're headed and, B, in the event if it's trial, how much
24 additional time is needed to get yourself ready, that's
25 fine.

1 I'm going to designate this case a complex case
2 under the Speedy Trial Act. Sure sounds like it,
3 particularly -- even though it's a one defendant, three
4 count case, that's the tip of the ice burg in terms of what
5 involves for both the government and especially for defense
6 counsel. Likewise, if you want to hire an investigator at
7 government expense, if you're client, in fact, is unable to
8 do so, I almost never require the affidavit, but this time
9 I probably should.

10 MR. THOMAS: Understood.

11 THE COURT: Counsel, anything further?

12 MS. RICE: No, Your Honor. Thank --

13 THE COURT: I hope I haven't made you late for
14 your flight back to Washington.

15 MS. RICE: No, Your Honor. It's not until 6:00.
16 I always know to make it late.

17 THE COURT: My rule as a Judge is never late,
18 sometimes custody --

19 MS. RICE: That was not about your timing, Your
20 Honor.

21 THE COURT: What did I do this Monday, Your
22 Honor, Deanna, 8:30, with nobody else in the courtroom, I
23 let the record show I was on time.

24 Anyway, thank you very much. Have a pleasant
25 weekend, and I'll talk to you mid June. Have a pleasant

1 vacation.

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I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

s:/Angela D. Nixon	June 3, 2018
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Angela D. Nixon, RMR, CRR	Date